

I want to thank you for the opportunity to provide my testimony as a citizen of the State of Maryland. Hopefully what I have to convey is commensurate with the honor of being able to freely express one's opinion on the subject of Capital Punishment.

As background, I dropped out of high school after 9th grade. When I turned 17 joined the Marine Corps, and spent 15 months with the infantry in Vietnam where I was decorated twice. After nine years in the Marine Corps I got out and earned a bachelor degree in business with a concentration in quantitative analysis, and a master's degree in information systems. I have resided in Maryland for 22 years, and currently live in Harwood, which is located in the southern portion of Anne Arundel County.

I support the abolishment of the death penalty in the State of Maryland. Not from any particular moral or ethical viewpoint. I've been the instrument of too many people's demise to be that hypocritical. I'll leave those arguments to others more qualified. However, being a veteran, I have this engrained, pathological, and compulsive belief that all people are created equal with an inalienable right to life liberty and the pursuit of happiness. The reality may be as far as the East is from the West, but I've come to live with, and accept the fact that I'll go to my grave with this psychotic notion of fairness. What do I mean?

Guy Gordon Marsh was sentenced to death in the early 80's based upon testimony of a witness who was in a county jail at the time the victim was murdered. This year Raymond H. Jonassen spent four months in jail in Anne Arundel County for burglary based upon faulty evidence. They call it an honest mistake. An honest mistake? How can anyone be imprisoned four months for a crime they didn't commit? Lewis Carroll would have been inspired to write a sequel to Alice in Wonderland.

I can accept Detective Tate's mistake in this case, and surmise there are a discrete set of ramifications. If he is, who they say he is, he will overcome it. It's called character. I fervently hope he does not succumb to the witch hunt, and stays with the County Police.

However, what I can't understand is the complete lack of checks and balances. A mistake slips through the County Police process, and law enforcement management is looking at changing a form? Someone was charged, imprisoned, and denied his Constitutional Rights four months before a public defender was assigned? The case sat on the Assistant State's Attorney Crighton Chase's desk for four months? And then the State's Attorney's Office is investigating something it is culpable for?

If this were an isolated case, I might understand, "might" being the operative word. However, story after story are indicative of systemic problems that are institutionalized. What is needed is accountability, and the state should seriously entertain, at the minimum, measurable performance indicators reflective of service improvement, and not budget expansion.

The only thing I hear out of the State's Attorney's office is "it's the judges", and "it's the police". Is that their excuse for withholding evidence in the Antonio Moore case, and being sanctioned by the courts in the first trial earlier this year?

There was the case of Christian Schellenschlager this year. A 15 year old boy that the State's Attorney wanted to prosecute on First Degree Murder Charges for defending his brother and friends. Thank G-d for a Grand Jury. This time! However, he is 15 years old, probably poor, and probably from a section of the county that prosecutor's consider below their status. So they will undoubtedly continue to pursue the case.

They did convict a woman, Kelly Lynn Schreck, who let her dogs starve to death, with the Assistant State's Attorney, Kimberly DiPietro, stating Ms. Schreck needed to be in her own cage. The woman is obviously in need of psychiatric help, but a conviction of 3 years, is a conviction of 3 years. Even if you have to kick a mentally troubled person.

Then there is the biggest drug bust in the county this year that involved U. S. Attorney Rod Rosenstein. Whites receiving plea bargained 52.5% and 42.5% of mandatory sentences, the African American receiving 60% of the guideline, and he wasn't even part of the drug ring. The female involved in the case netted six months house arrest. It's interesting that you can abuse an animal and be sentenced to 3 years, and pollute society with drugs and be sentenced to 3 years. However, I'm sure there were extenuating circumstances. I wonder if the drugs were being sold in minority neighborhoods.

Rosenstein's and the State's Attorney's relationship go back to the Jamahl Jones and Leeander Blake cases. Jamahl Jones was the 17 year old African American who was on his knees asking for mercy when a white 17 year old jumped on his head. Jamahl never regained consciousness and died several hours later. The white walked away free. The argument being it couldn't be proved if he died of injuries from having his head stomped on, or hitting his head on the curb. Following that logic if I shoot someone, I didn't kill him, the bullet did. Leeander Blake was a 17 year old African American dragged out of his bed at 2 AM, and paraded around in his underwear until a confession was coerced.

Then there are the church burnings in Anne Arundel County. Those dropped off Rod Rosenstein's radar screen rather quickly!

To me, the moral, ethical, and the emotional aspects associated with capital punishment have little relevance compared to the blatant disregard of citizens by the government to promote personal agendas. I suppose it's a matter of competence. If you are someone like O. J. Simpson, and can afford competent representation the justice system works in this country.

For the most part, I believe the police; particularly Anne Arundel County Police, are effective. District Court Judges also seem to have some semblance of knowledge of Separation of Powers. Circuit Court Judges are questionable in that matter. However, the State's Attorney and associated offices are the most flagrant abusers of civil liberties that I have ever seen. That includes the mass killings by Communist forces in Vietnam during Tet 1968, the Middle East in the 70's and 80's, and the Civil War in Zimbabwe during 1981.

Until credibility, accountability, and ethical conduct can be established within the legal and judicial system of this state, capital punishment must be abolished. Until the abomination of discrepancies in prosecutions and convictions of minorities in this state are rectified, capital punishment must be abolished. Until reasonable assurances can be made that the right to life, liberty, and the pursuit of happiness is for all American's in the State of Maryland, and not just a select few, capital punishment must be abolished. Until any citizen can walk down the sidewalks around the Capital Building of this state and feel confident their lives have as much worth and meaning as any attorney or doctor, then capital punishment must be abolished.

Capital Punishment is just symbolic of far deeper systemic problems. That is, behavior that promotes the state over the rights of its citizens. There is no justice under the law. The best that one could ask for is equal application of the law regardless of race, religion, sex, socio-economic condition, or ethnic background. Until the State of Maryland makes a progressive effort to provide the same services and accommodations to all its citizens, Capital Punishment must be abolished.

Thank-you.

Arnold J. Gasper

